

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FREDRICK D. DEAN,)
Plaintiff,)
vs.) Civil Action No. 13-41 Erie
WARDEN MARK V. CAPOZZA, et al.,)
Defendants.)

ORDER

This Petition for Writ of Habeas Corpus was received by the Clerk of Court on February 8, 2013, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

Magistrate Judge Baxter issued a Report and Recommendation, filed on April 10, 2013 (ECF No. 9), recommending that the Petition for Writ of Habeas Corpus be denied because it plainly appears on its face that the Petitioner's claims do not entitle him to relief. *See* 28 U.S.C. § 2243; Rule 4 of the Rules Governing Section 2254 Cases In the United States District Courts. In addition, Judge Baxter recommended that a Certificate of Appealability be denied.

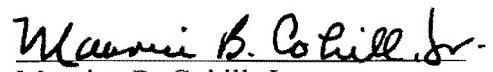
Petitioner timely filed Objections to the Report and Recommendation on April 18, 2013. ECF No. 10. After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and objections thereto, we adopt Magistrate Judge Baxter's April 10, 2013 Report and Recommendation as the Opinion of the Court.

Accordingly, the following Order is hereby entered.

AND NOW, this 25th day of April, 2013, it is HEREBY ORDERED, ADJUDGED and DECREED that Petitioner's Petition for Writ of Habeas Corpus is hereby DENIED.

IT IS FURTHER ORDERED that a Certificate of Appealability is DENIED.

The Report and Recommendation dated April 10, 2013 (ECF No. 9) is adopted as the Opinion of the Court.


Maurice B. Cohill, Jr.
Senior United States District Judge

cc: Counsel of Record

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